



**February 8, 2010**

Dear Kitchen Cabinet members,

This is week five of the 2010 legislative session, and the first week the Senate begins floor action every day. That means bills which have passed out of committee can be brought up for a vote of the full Senate. If approved, they go to the House of Representatives for consideration.

## **Protecting the protectors, honoring the fallen**



On Wednesday last week, the Senate adopted [Senate Resolution 8687](#), honoring the six Washington State law enforcement officers who have been killed in the line of duty in recent months, plus their families and the entire statewide law enforcement community.

After the Senate and House of Representatives adopted resolutions, law enforcement and legislators gathered in the State Reception Room. Following that, our Senate Republican Leader graciously invited the families of the fallen officers into his office to talk about what we can do to help protect our protectors. **You can see Part 1 and Part 2 of the video tribute by [clicking this link](#), as well as a photo gallery of the event and a copy of the resolution.**

## Candy is dandy, but taxes?

You may have heard about the so-called “candy tax” that some in Olympia have proposed. [Senate Bill 6189](#) would ask voters to approve a sales and use tax on candy and spend the revenue on competitive grants to community health centers to increase dental and medical services.

**The problem with this tax increase proposal is in the definition.** I have a bowl of candy in my office which I offer to visitors. Last week, I had a group of students in my office and I asked them to identify which items in the bowl were “candy” and which were not, according to the bill. All of them agreed that the entire bowl was filled with candy, to which I informed them that only certain items which meet a specific definition are considered “candy” by the state. Take this little quiz and see how many you get right. The answers are at the bottom of this update:



1. TWIX



2. MILKY WAY



3. DIBS



#### 4. THREE MUSKETEERS



#### 5. NOBLE BAR



#### 6. SNICKERS

### Repealing I-960, sneaky tax shifts and a new taxing authority

Senate Democrats introduced [Senate Bill 6843](#), a measure that would amend the law created by Initiative 960. **The bill would remove the two-thirds legislative vote requirement for tax increases for any tax increase bill passed between now and July 1, 2011** (which covers the 2010 and 2011 legislative sessions). The bill would also:

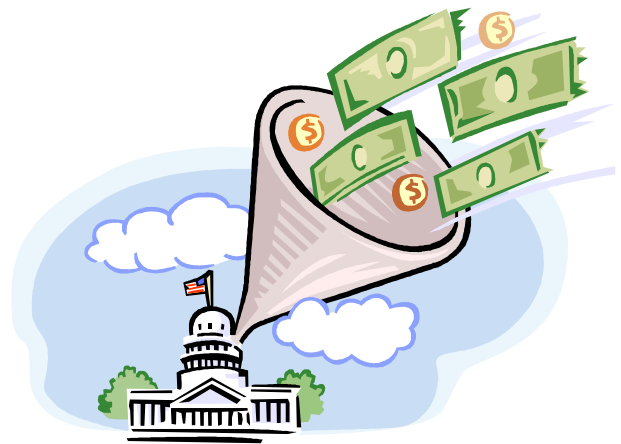
- Amend the definition of what it means to “raise taxes” by excluding, among other things, modifying or repealing a tax incentive,
- Change the notification for I-960 bills, require notice only be sent if a bill is scheduled for a public hearing (rather than simply introduced, as was required under the initiative),
- Reduce the number of years listed on the fiscal impact information (from 10 years to the current biennium plus four years), and
- Repeal I-960’s requirement for an advisory vote of the people for tax increases.

The two things which concern me the most about this bill are its attempt to remove the voter-approved supermajority requirement to raise taxes and its attempt to remove the transparency in notification of the public when tax increases are proposed.

There's also what I believe is a "tax shift" in a bill that came out of the Senate Human Services and Corrections committee. [Senate Bill 6164](#) would allow the funds from a voter approved tax on specific things like local jails to be transferred to other areas of local government. If voters approve a hotel-motel tax to pay for local tourism, for example, then shifting that money away from the purpose for which it was intended is, to me, very sneaky.

But perhaps the sneakiest tax increase of all comes from a Democrat bill which would give more taxing authority to local governments. **Essentially, the Legislature would grant new taxing authority to someone else so that legislators can say they did not vote to raise your taxes.** The bill is [SB 6424](#), which permits counties to impose a .3% "public safety" sales tax without voter approval.

When you contact your legislators about these proposed tax increases and you get a response, be sure to give their answers the scrutiny required to discover the truth. When taxes are shifted from one purpose to another, or other people are authorized to raise your taxes, it's just another way for government to crawl into your pocket. As you already know, I wouldn't even consider a tax increase unless government stops doing business as usual, wasting your money through such means as buying art (statues, paintings, etc.) for the committed sex predators on McNeil Island.



## Governor's NGRI bill moves forward

[Senate Bill 6610](#) (companion is [HB 2932](#)) is a governor-request bill sponsored by Senator Jim Hargrove, D-Hoquiam, which will likely be approved by the Senate Ways and Means committee today. It would require the Institute for Public Policy and the Department of Social and Health Services to find a validated mental health assessment to be used when assessing the risk of certain individuals. It would also require the state develop recommendations to courts as to the appropriateness of conditional releases for criminally insane patients and establish an independent public safety review panel to advise the secretary of the DSHS and the courts with regard to the committed criminally insane.

**Part of this bill is an attempt to rectify the problems that became evident when Isaac Zamora was committed to Western State Hospital.** A section of this bill calls for the Secretary of DSHS to determine whether a criminally insane person presents an unreasonable safety risk which is not manageable in a state hospital setting. However, nowhere in the bill does it state how the Secretary is to make that determination. In fact, the bill calls for the Secretary to take a person's clinical history into account, but says nothing of their criminal history.

Also, the independent public safety review panel which the bill would create would only advise the secretary of DSHS and the courts. It does not follow the Oregon model and actually allow the body to make the determinations. Because of that, **the secretary would be allowed to simply ignore the body's recommendations** and release individuals despite the body's wishes.

For these reasons, I voted against it in the Human Services and Corrections committee and will likely vote against it again in Ways and Means. I am going to offer several amendments to improve this bill, because as it stands there are no protections for our community. When problems at Western State Hospital spill out into the streets, they become my problems and I'm not willing to take that kind of public safety risk.

## Anderson Island update

Most of you are aware of the problems suffered by residents of Anderson Island last year when their underwater power cable was damaged. **We were able to get a temporary replacement cable in place very quickly** (by government standards anyway) so that residents could have power again.



Now it's time for that temporary cable to be replaced with a permanent one, and I've been working with the governor's office to get all the permitting approved in an expeditious manner. I'll let you know when that replacement has taken place.

## The status of my bills

### **SJR 8218 - Constitutional amendment restricting bail**

Amends the state Constitution so that offenses that may result in a mandatory life sentence upon conviction are not bailable.

- *HEARD IN JUDICIARY JANUARY 19.*
- *APPROVED BY JUDICARY JANUARY 27.*
- *NOW AWAITING FULL SENATE VOTE.*

### **SB 6309 - Not guilty by reason of insanity inheritance**

Prohibits a person found not guilty by reason of insanity in a murder case from benefiting by their action.

- *HEARD IN JUDICIARY JANUARY 27.*
- *APPROVED BY JUDICIARY FEBRUARY 2.*
- *NOW AWATING FULL SENATE VOTE.*

### **SB 6310 - Guilty and mentally ill**

Allows a defendant who offers a timely defense of insanity to be found guilty and mentally ill at trial under certain circumstances.

- *HEARD IN HUMAN SERVICES AND CORRECTIONS JANUARY 15.*

- *LIKELY DEAD IN COMMITTEE (HOUSE AND SENATE DEMOCRATS AGREED NOT TO MOVE FORWARD WITH GMI THIS YEAR).*

### **SB 6318 - Hospitals reporting violent injuries**

Requires hospitals to report patients who have experienced gunshot wounds to a local law enforcement authority as soon as possible.

- *HEARD IN HEALTH AND LONG-TERM CARE JANUARY 20.*

### **SB 6308 - Computer access at SCC**

Prohibits any person committed or detained at the SCC from accessing a personal computer unless the resident's treatment plan states that such access is necessary.

- *HEARD IN HUMAN SERVICES AND CORRECTIONS JANUARY 28.*
- *APPROVED BY HUMAN SERVICES AND CORRECTIONS FEBRUARY 2.*
- *NOW AWAITING FULL SENATE VOTE.*

### **SB 6316 - Coordination between local law enforcement and DOC**

Requires notification of DOC when an inmate, housed in any city or county jail and under supervision by the department, escapes or is released, provides local law enforcement real-time access to the statewide corrections database, and allows local law enforcement to detain offenders in violation of their conditions of release with or without an arrest warrant having been issued.

- *HEARD IN HUMAN SERVICES AND CORRECTIONS JANUARY 28.*
- *APPROVED BY HUMAN SERVICES AND CORRECTIONS FEBRUARY 2.*
- *NOW AWAITING HEARING IN WAYS & MEANS SCHEDULED FOR FEBRUARY 9.*

### **SJR 8208 - Conflicting residency requirements**

Amends the state Constitution to repeal a conflicting residency requirement for voting in a presidential election.

- *REINTRODUCED FROM LAST SESSION*
- *NOW AWAITING FULL SENATE VOTE.*

### **SB 6188 - Ten percent bail bond requirement**

Establishes a minimum bond fee of ten percent for crimes against persons, which include felony DUI, stalking, violation of a domestic violence no contact order, etc.



- *AWAITING A HEARING IN JUDICIARY.*
- *WILL LIKELY BE ROLLED INTO A WORK STUDY OF THE ENTIRE CRIMINAL JUSTICE SYSTEM, INCLUDING DOC, DSHS, THE JUDICIARY, LOCAL JAILS AND BAIL BOND BUSINESSES.*

## Yet to receive a hearing:

**SB 6317** - Assault of police officer (in Judiciary)

**SB 6311** - Body armor sentencing enhancement (in Judiciary)

**SB 6313** - Bench warrants executed by bail bond agents (in Judiciary)

**SB 5929** - Correctional employees' firearms (in Judiciary)

**SB 6314** - Minimum security facilities (in Human Services and Corrections)

**SB 6315** - Home detention/community custody violations (in Human Services and Corrections)

**SB 6200** - Eminent domain for economic development (in Judiciary)

**SB 6319** - Veteran's preference (in Government Operations and Elections)

**SB 6583** - Audits and investigations (in Government Operations and Elections)

**SB 6628** - No public art for offenders (in Human Services and Corrections)

## CANDY QUIZ ANSWERS

1. **Twix:** Not candy...Twix contains flour as part of its cookie center, and therefore does not fall under the bill's definition of "candy."
2. **Milky Way:** Not candy... Also contains flour, which means it's not "candy" to the state.
3. **Dibs:** Not candy...Dibs contains ice cream, which must be refrigerated or frozen, and therefore do not fall under the bill's definition of "candy."
4. **Three Musketeers:** Candy... No flour and no refrigeration required equals "candy" according to the bill.
5. **Noble Bar:** Candy...The ingredients of the Noble Bar (made in Tacoma, by the way) contain only five items – organic figs, apples, walnuts, organic hard wheat berries and



honey – yet because it does not contain flour or need to be refrigerated or frozen, it falls under the bill's definition of “candy.”

6. **Snickers:** Candy... Again, no flour and no refrigeration means it's “candy.”

### In closing...

If you know someone in our district who might be interested in receiving these updates, please feel free to forward this e-mail to him or her.



As always, if you'd like to contact me you can write, phone, e-mail, or stop by my Olympia office. I look forward to your comments and suggestions because they help me better represent you. My office phone number is (360) 786-7654, and my home phone number is (253) 581-2859. Or you can write me at **102 Irv Newhouse Building, P.O. Box 40428, Olympia, WA 98504-0428.**

- Legislative E-mail address: [carrell.mike@leg.wa.gov](mailto:carrell.mike@leg.wa.gov)
- Home E-mail address: [mcarrell@hotmail.com](mailto:mcarrell@hotmail.com)

Sincerely,

Mike Carrell

28<sup>th</sup> District State Senator